

Date

Gretchen A. McKinney
Human Resources Director
City of Mandeville
3101 E. Causeway Approach
Mandeville, LA 70448

Re: Ethics Board Docket No. 2016-509

Dear Ms. McKinney:

The Louisiana Board of Ethics, at its June 17, 2016 meeting, considered your request for an advisory opinion as to whether members of the Municipal Police Employees' Civil Service Board and the Municipal Employees' Civil Service Board for the City of Mandeville are required to file annual personal financial disclosure statements pursuant to La. R.S. 42:1124.2.1. You stated that the Municipal Police Employees' Civil Service Board was created by Act 164 of the 1984 Regular Legislative Session, and the Municipal Employees' Civil Service Board was created pursuant to Article IV, Section 4-05 of the Mandeville Home Rule Charter which is authorized by the Louisiana Constitution of 1974 Article VI, Section 5. You also stated that both boards are comprised of the same members with terms that run concurrently with each member receiving a payment of \$50.00 for each meeting attended. Finally, you stated that both boards expend funds for legal representation for cases regarding Civil Service employee appeals with expenditures totaling \$35,920 thus far for the 2016 fiscal year. Information was obtained that the City of Mandeville has a population of approximately 12,193.

The Board concluded, and instructed me to inform you, that members of the Municipal Police Employees' Civil Service Board are required to file annual personal financial disclosure statements. **La. R.S. 42:1124.2.1** requires financial disclosure for each member and designee of a board or commission which has the authority to expend, disburse or invest \$10,000 or more of funds in a fiscal year on or before May 15th of each year during which the person holds office and the year following termination of the holding of such office. **La. R.S. 42:1124.2.1D(1)(a)** defines a board or commission as (i) each board, commission, and like entity created by law or executive order that is made a part of the executive branch of state government by the provisions of Title 36 of the Louisiana Revised Statutes of 1950, or that is placed in an executive branch department or in the office of the governor or lieutenant governor by law or executive order, or that exercises any authority or performs any function of the executive branch of state government; (ii) each board, commission, and like entity created by the constitution, by law, by a political subdivision, except as provided in Subparagraph (b) of this Paragraph, or jointly by two or more political subdivisions as a governing authority of a political subdivision of the state or of a local government. Since the Municipal Police Employees' Civil Service Board was created by statute, and it has the authority to expend, disburse or invest \$10,000 or more of funds in a fiscal year, its members are required to file annual personal financial disclosure statements.

The Board also concluded, and instructed me to inform you, that members of the Municipal Employees' Civil Service Board are not required to file annual personal financial disclosure statements. **La. R.S. 42:1124.2.1D(1)(b)** states that a "Board or commission" **shall not mean** (i) the governing authority of a parish, (ii) any board or commission or like entity that governs a political subdivision created by a single parish governing authority of a parish with a population

of two hundred thousand or less, or any subdistrict of such a political subdivision, (iii) the governing authority of a municipality, (iv) **any board or commission or like entity that governs a political subdivision created by a single municipal governing authority of a municipality with a population of twenty-five thousand or less, or any subdistrict of such a political subdivision,** (v) a board of directors of a private nonprofit corporation that is not specifically created by law, or (vi) any board or commission that does not have the authority to expend, disburse, or invest more than fifty thousand dollars of funds in a fiscal year and whose members are not eligible to receive any compensation, per diem, or reimbursement of expenses for service on the board or commission. Since the Municipal Employees' Civil Service Board was created pursuant to Article IV, Section 4-05 of the Mandeville Home Rule Charter, and the population of the city of Mandeville is less than twenty-five thousand, its members are not required to file annual personal financial disclosure statements.

This advisory opinion is based solely on the facts as set forth herein. Changes to the facts as presented may result in a different application of the provisions of the Code of Ethics. The Board issues no opinion as to past conduct or as to laws other than the Code of Governmental Ethics. If you have any questions, please contact me at (800) 842-6630 or (225) 219-5600.

Sincerely,

LOUISIANA BOARD OF ETHICS

Jennifer T. Land
For the Board

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THIS IS NOT AN OPINION OF THE
BOARD OF ETHICS